

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Petition of SBC Communications Inc.)	WC Docket No. 04-29
for Forbearance from the Application of Title II)	
Common Carrier Regulation to IP Platform)	
Services)	

ERRATUM

Released: May 6, 2005

By the Acting Chief, Competition Policy Division, Wireline Competition Bureau:

1. On May 5, 2005, the Commission released a Memorandum Opinion and Order, FCC 05-95, in the above-captioned proceeding. This Erratum corrects the vote line to read as:

“By the Commission: Chairman Martin and Commissioner Abernathy issuing separate statements; and Commissioners Copps and Adelstein issuing a joint statement.”

2. This Erratum also corrects the omission of Commissioner Abernathy’s statement. See attachment.

FEDERAL COMMUNICATIONS COMMISSION

Julie Veach
Acting Chief
Competition Policy Division
Wireline Competition Bureau

Attachment

STATEMENT OF
COMMISSIONER KATHLEEN Q. ABERNATHY

Re: Petition of SBC Communications, Inc. for Forbearance from the Application of Title II Common Carrier Regulation to IP Platform Services, Memorandum Opinion and Order, WC Docket No. 04-29 (May 5, 2005).

I support the foregoing order denying SBC's forbearance petition on procedural grounds. The task of developing new rules to govern the transition to 21st century fiber-based networks is among the most important facing the Commission. As the order reflects, however, the Commission has not yet determined the extent to which legacy regulatory rules should apply to the emerging class of IP-enabled services, and this petition was not the proper vehicle for doing so. The Commission is in the midst of a comprehensive rulemaking proceeding to establish a regulatory framework for IP-enabled services, and that rulemaking will better enable the Commission to consider the far-reaching and complex implications of whatever rules we adopt.

Although I agree that section 10 does not compel the Commission to grant blanket forbearance from the statute in these circumstances, I have little doubt that SBC is correct in contending that IP-enabled services should not be subject to the full range of Title II regulations. I hope the Commission promptly completes the pending rulemaking and defines an appropriately light-handed regulatory framework that reflects the new technological and marketplace realities.